

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

03-MD-1570(GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**SUDAN
NOTICE OF AMENDMENT**

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This document relates to: *Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN) (and member case *Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN)).

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individual(s) listed below (the "New Plaintiff(s)") as plaintiff(s) raising claims against the Republic of the Sudan ("Sudan"). The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to Sudan, ECF No. 6539, or (b) the *Ashton* Amended Complaint as to the Sudan Defendants in *Ashton v. the Republic of the Sudan*, No. 02-CV-6977 (GBD)(SN), ECF No.6537 (in 03-MD-1570) (hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of the Sudan and does not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all causes of action contained within that complaint that has been joined as specified below;

all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [**check only one complaint**] and the following causes of action set forth in that complaint:

- ☐ **Consolidated Amended Complaint as to the Republic of the Sudan, ECF No. 6539 (check all causes of action that applies):**
 - ☐ COUNT I – Claims under Section 1605(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.¹
 - ☐ COUNT II – Claims under Section 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.²
 - ☐ COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11th Attacks upon the United States in Violation of 18 U.S.C. § 2333(d)(JASTA), on behalf of all “U.S. National” Plaintiffs.³
 - ☐ COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in Violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.
 - ☐ COUNT V – Committing acts of international terrorism in violation of 18

¹ Section 1605A of the Foreign Sovereign Immunities act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. Government) acting within the scope of employment, and legal representatives of persons described in (1)(2), or (3).

² See preceding footnote.

³ The causes of action pursuant to the ATA, 18 U.S.C. § 2331 *et seq.*, are asserted on behalf of plaintiffs who are U.S. nationals; estates, heirs, and survivors of U.S. nationals; U.S. nationals who are members of a putative class represented by such plaintiffs who are subrogated to the rights of U.S. nationals who incurred physical injuries to property and related losses as a result of the September 11th attacks. The term “U.S. National Plaintiffs” in the context that claims under JASTA or the ATA refers to all such parties.

U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.⁴

- ☐ COUNT VI – Wrongful Death, on behalf of all plaintiffs bringing Wrongful Death claims.
- ☐ COUNT VII – Negligence, on behalf of all plaintiffs.
- ☐ COUNT VIII – Survival, on behalf of all plaintiffs bringing wrongful death claims.
- ☐ COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.⁵
- ☐ COUNT X – Assault and Battery, on behalf of all plaintiffs bringing wrongful death and personal injury claims.
- ☐ COUNT XI – Conspiracy, on behalf of all plaintiffs.
- ☐ COUNT XII – Aiding and Abetting, on behalf of all plaintiffs.
- ☐ COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all plaintiffs.
- ☐ COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THRID) of Agency § 7.05: Supervising Employees and Agents, on behalf of all plaintiffs.
- ☐ COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on Behalf of all plaintiffs.
- ☐ COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all plaintiffs.
- ☐ COUNT XVII – Trespass, on behalf of all plaintiffs asserting claims for property damage and economic injuries.
- ☐ COUNT XVIII – Violation of international law, on behalf of all plaintiffs.

⁴ See preceding footnote.

⁵ The causes of action pursuant to the Alien Tort claims Act (ATCA, 28 § 1350, are asserted on behalf of plaintiffs who are alien nationals; estates, heirs, and survivors of alien nationals who are not themselves U.S. nationals; alien nationals who are members of a putative class represented by such plaintiffs; subrogated to the rights of alien nationals who incurred injuries to property and related losses as a result of the September 11th attacks; and assignees of alien nationals skilled or injured in the September 11th attacks.

✓ **Ashton Sudan Amended Complaint, ECF No. 6537 (check all causes of action that apply):**

- ✓ First Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
- ✓ First Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
- ✓ Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
- ✓ Third Cause of Action for Personal Injury and Wrongful Death Injuries Pursuant to State Tort Law.
- ✓ Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
- ✓ Fifth Cause of Action for Punitive Damages.
- ☐ Sixth Cause of Action for Property Damage.

IDENTIFICATION OF NEW PLAINTIFFS

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart lists the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or decedent's estate.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint discussing 9/11 Decedent
1	Breitweiser, Caroline	NY	USA	Breitweiser, Ronald	Child	N/A

2	Dickey, Elizabeth	NY	USA	Dickey Jr., Joseph D.	Child	N/A
3	Dickey III, Joseph	NY	USA	Dickey Jr., Joseph D.	Child	N/A
4	Dimino, Sabrina	NY	USA	Dimino, Stephen	Child	N/A
5	Kelly, Brianne	NY	USA	Kelly, James J.	Child	N/A
6	Kelly, Colleen	NY	USA	Kelly, James J.	Child	N/A
7	Kelly, Erin	NY	USA	Kelly, James J.	Child	N/A
8	Kelly, Kaitlyn	NY	USA	Kelly, James J.	Child	N/A
9	Lynch, Anne	NY	USA	Lynch, Farrell P.	Child	N/A
10	Lynch, Kathleen	NY	USA	Lynch, Farrell P.	Child	N/A
11	Lynch, Meghan	NY	USA	Lynch, Farrell P.	Child	N/A
12	O'Brien, Jacqueline	NY	USA	O'Brien, Timothy M.	Child	N/A
13	O'Brien, John	NY	USA	O'Brien, Timothy M.	Child	N/A
14	O'Brien, Madeline	NY	USA	O'Brien, Timothy M.	Child	N/A
15	Ryan, Colin	NY	USA	Ryan, John J.	Child	N/A
16	Ryan, Kristen	NY	USA	Ryan, John J.	Child	N/A

17	Ryan, Laura	NY	USA	Ryan, John J.	Child	N/A
18	Seaman, Edward	NY	USA	Seaman, Michael H.	Child	N/A
19	Seaman, Mary	NY	USA	Seaman, Michael H.	Child	N/A
20	Seaman, Michaela	NY	USA	Seaman, Michael H.	Child	N/A
21	Sliwak, Kyle	NY	USA	Sliwak, Robert F.	Child	N/A
22	Sliwak, Nicole	NY	USA	Sliwak, Robert F.	Child	N/A
23	Sliwak, Ryan	NY	USA	Sliwak, Robert F.	Child	N/A
24	Wallace, Christian	NY	USA	Wallace Jr., John	Child	N/A
23	Wallace, John	NY	USA	Wallace Jr., John	Child	N/A
24	Wallace, Patrick	NY	USA	Wallace Jr., John	Child	N/A

Dated: May 22, 2025
New York, New York

Respectfully submitted,

LAW OFFICE OF JOHN F. SCHUTTY, P.C.

By: /s/ John F. Schutty

John F. Schutty (JS2173)
445 Park Avenue, 9th Floor
New York, New York 10022
Tel: (646) 345-1441
Fax: (917) 591-5980
Attorneys for Plaintiffs